

## § 21.6140

through § 21.132 of this part may be authorized. Education and training programs in institutions of higher learning are authorized provided the courses are part of a program which is predominantly vocational in content. The program of education and training shall be considered to be predominantly vocational in content if the majority of the instruction offered provides the technical skills and knowledge generally regarded as specific to, and required for, entry into the vocational goal approved for the veteran. Such education and training may generally be authorized at an undergraduate or advanced degree level. However the following are excluded:

- (i) An associate degree program in which the content of the majority of the instruction provided is not vocationally oriented;
- (ii) The first two years of a 4-year baccalaureate degree program;
- (iii) The last two or more years of a 4-year baccalaureate degree program except in degree programs with majors in engineering, teaching, or other similar degree programs with vocational content which ordinarily lead directly to employment in an occupation that is usually available to persons holding such a degree; or
- (iv) An advanced degree program, except for a degree program required for entry into the veteran's employment objective, such as a master's degree in social work.

(Authority: 38 U.S.C. 1524(b))

(c) *Charges for education and training services.* The cost of education and training services will be considered in selecting a facility when:

- (1) There is more than one facility in the area in which the veteran resides which:
  - (i) Meets the requirements for approval under § 21.290 through § 21.299 of this part;
  - (ii) Can provide the education and training services and other supportive services specified in the veteran's plan; and
  - (iii) Is within reasonable commuting distance; or
- (2) The veteran wishes to train at a suitable facility in another area, even though training can be provided at a

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suitable facility in the area in which the veteran resides. See §§ 21.120, 21.370, 21.372.

(Authority: 38 U.S.C. 1524(b)(2))

(d) *Courses not available.* If suitable educational and training courses are not available in the area in which the veteran resides, or if they are available but not accessible to the veteran, other arrangements may be made. Such arrangements may include, but are not limited to:

- (1) Relocation of the veteran to another area in which necessary services are available, or
- (2) Use of an individual instructor to provide necessary training as provided under § 21.146 of this part.

(Authority: 38 U.S.C. 1524(b))

### EVALUATION AND IMPROVEMENT OF REHABILITATION POTENTIAL

#### § 21.6140 Evaluation and improvement of rehabilitation potential.

(a) *General.* The services described in paragraph (d) of this section may be used to:

- (1) Evaluate rehabilitation potential;
- (2) Provide a basis for planning:
  - (i) A program of services and assistance to improve the veteran's potential for vocational rehabilitation; or
  - (ii) A vocational training program;
- and
- (3) Reevaluate the vocational training potential of a veteran participating in a rehabilitation program.

(Authority: 38 U.S.C. 1524(a))

(b) *Periods during which evaluation and improvement services may be provided.* Services described in paragraph (d) of this section may be provided during:

- (1) An evaluation or reevaluation;
- (2) Rehabilitation to the point of employability;
- (3) Employment services.

(Authority: 38 U.S.C. 1524(b)(2))

(c) *Duration of services.* The duration of services needed to improve rehabilitation potential, furnished on a full-time basis either as a preliminary part of the period of rehabilitation to the point of employability or as the total

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program, may not exceed 9 months. If these services are furnished on a less than full-time basis the duration will be for the period necessary, but may not exceed the equivalent of 9 months of full-time training. See §21.6310.

(Authority: 38 U.S.C. 1524(b)(2))

(d) *Scope of services.* Evaluation and improvement services include:

- (1) Diagnostic services;
- (2) Personal and work adjustment training;
- (3) Medical care and treatment;
- (4) Independent living services indispensable to pursuing a vocational training program;
- (5) Language training, speech and voice correction, training in ambulation, and one-hand typewriting;
- (6) Orientation, adjustment, mobility and related services; and
- (7) Other appropriate services.

(Authority: 38 U.S.C. 1524(b)(2))

(e) *Applicability of chapter 31 rules.* The provisions of §21.140 of this part are not applicable to this temporary program. The provisions of §21.142 through §21.156 of this part are applicable, subject to provisions of this section.

(Authority: 38 U.S.C. 1524(b)(2))

### INDEPENDENT LIVING SERVICES

#### §21.6160 Independent living services.

(a) *Services must be part of a vocational training program.* Independent living services may be provided as a part of a veteran's IWRP when such services are indispensable to the achievement of the vocational goal, but may not be provided as the sole program of rehabilitation for the veteran, since a vocational training program for the veteran must be found reasonably feasible before the IWRP is prepared.

(Authority: 38 U.S.C. 1524(b)(2))

(b) *Independent living services which may be furnished under this program.* The independent living services which may be furnished include:

- (1) Training in independent living skills;
- (2) Health management programs;
- (3) Identification of appropriate housing accommodations; and

(4) Personal care service for a transitional period not to exceed two months.

(Authority: 38 U.S.C. 1524(b))

(c) *Coordination with other VA elements and other Federal, State, and local programs.* Provision of independent living services and assistance will generally require extensive coordination with other VA and non-VA programs. The resources of VA medical centers shall be utilized as prescribed in §21.6242 of this part. If appropriate arrangements cannot be made to provide these services through VA medical centers, other governmental and private nonprofit programs may be used to secure necessary services if the facility or individual providing services meets the requirements of §21.294 of this part.

(Authority: 38 U.S.C. 523, 1524(b))

(d) *Applicability of chapter 31 rules.* Neither §21.160 nor §21.162 of this part are applicable to provision of independent living services under this program.

(Authority: 38 U.S.C. 1524(b))

### CASE STATUS SYSTEM

#### §21.6180 Case status system.

(a) *General.* The case status system used in administering benefits under the chapter 31 program, as provided in §21.180 through §21.198 of this part, will be utilized in a similar manner in this program subject to the provisions of paragraph (b) of this section.

(Authority: 38 U.S.C. 1524(b)(2))

(b) *Limitations of applicability of chapter 31 rules.* (1) The provisions of §21.180(e)(2) and (3), §21.188, and §21.192 of this part are not applicable to this temporary program;

(2) Other incidental references to service-connected disability Chapter 31, *extended evaluation* status, or *independent living* status or other services precluded under §21.6060(b) of this part, found in §21.180 to §21.198 of this part,